



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,926	09/19/2003	Victor W. Lee	Master Cutlery, Inc. - 1	7063

7590 06/03/2005

Mr. Walter J. Tencza Jr.
Suite 3
10 Station Place
Metuchen, NJ 08840

EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Supplemental</i> Office Action Summary	Application No. 10/665,926	Applicant(s) LEE, VICTOR W.	
	Examiner Hwei-Siu C. Payer	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

In light of the newly founded art (U.S. Patent No. 6,101,724), the allowable subject matter of claims 4 and 17-19 as indicated in the previous Office action (mailed on 5-27-2005) has been withdrawn. Any inconvenience to the Applicant is regretted.

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 14-16, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S. Patent No. 4,908,947) in view of Bolling (U.S. Patent No. 2,456,858).

Schaub discloses an apparatus comprising a first folding knife (see Fig.1), a second folding knife (see column 2, lines 7-12); wherein the first folding knife includes a first attachment device (8); wherein the second folding knife includes a second attachment device (11); wherein the first attachment device (8) and the second attachment device (11) can be attached to each other to attach the first folding knife to the second folding knife; and wherein the first attachment device (8) and the second

attachment device (11) can be detached to each other to detach the first folding knife from the second folding knife substantially as claimed except for the shape of the two attachment devices.

Specifically, Schaub's first attachment device (8) comprises a first plate (15) having a groove-like recess (8), and the second attachment device (11) comprises a dovetail-shaped connecting element (11) slidably received in the groove-like recess for attaching the two attachment devices (8,11) and their respective knives together.

However, it is notoriously old and well known in the art to attach two elements together by providing one element with an opening and the other element with a protrusion so that the protrusion can be inserted into the opening for attaching the two elements together as evidenced by Bolling. Bolling also shows the first attachment device comprising a first plate (6) having an opening (7/8), and a third plate (5) having an opening (7/8) substantially aligned with (see Fig.5) the opening (7/8) of the first plate (6); and the second attachment device comprising a second plate (17) having a protrusion (36,38) attached thereto to be inserted into the opening (7/8) of either the first plate (6) or the third plate (5). Bolling also shows two stops (15) protruding into (see Figs. 3 and 6) the opening (7) of the third plate (5) as claimed.

In view of this fact, it would have been obvious to one skilled in the art to modify Schaub by substituting Bolling's attachment devices for those of Schaub's. The modification is obvious since it would only involve substituting one known type of attachment device for another for attaching two elements together.

3. Claims 4 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S. Patent No. 4,908,947) and Bolling (U.S. Patent No. 2,456,858) as applied to claims 1 and 14-16 above, and further in view of Halligan (U.S. Patent No. 6,101,724).

Schaub's modular knife as modified above shows all the claimed structure except the plate does not have a portion that flexes to keep the blade in an open position.

Halligan shows a knife comprising a plate (22) having a portion (82) that flexes for locking a knife blade (30) in an open position (see Fig.1).

It would have been obvious to one skilled in the art to further modify Schabu by providing the third plate with a flexible portion to facilitate locking the blade in an open position during use as taught by Halligan.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S. Patent No. 4,908,947) and Bolling (U.S. Patent No. 2,456,858) as applied to claim 1 above, and further in view of Cheng (U.S. Patent No. Des. 419,851).

Schaub's modular knife as modified above shows all the claimed structure except for the clip.

Cheng shows a knife comprising a clip (see Fig.6).

It would have been obvious to one skilled in the art to further modify Schaub by providing the modular knife with a clip to facilitate hanging when not in use as taught by Cheng.

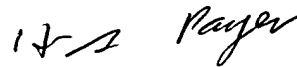
Indication of Allowable Subject Matter

Claims 12 and 13 are allowed.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 571-273-4511 for proposed amendments.



H Payer
May 27, 2005

~~Hwei-Siu Payer~~
~~Primary Examiner~~